

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MOHAMAD SAFDAR SHEIKH,

Petitioner,

v.

MICHAEL CHERTOFF, et al.

Respondents.

No. C 03-05604 JSW

**ORDER CLOSING CASE
WITHOUT PREJUDICE TO
REOPENING UPON FILING OF
AMENDED COMPLAINT**

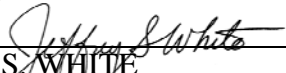
On February 23, 2006, this Court dismissed Mohamad Safdar Sheikh's ("Sheikh") Petition for Writ of Habeas Corpus for failure to exhaust. (Docket No. 57.) That ruling was without prejudice to Sheikh refileing an amended complaint under the Administrative Procedure Act upon the conclusion of removal proceedings.

The Court requested status reports from the parties regarding Sheikh's removal proceedings. The Court has received and considered the second status report, which states that Sheikh's removal hearing is not set until November 2007. Because there is no further action required from this Court unless and until Sheikh files an amended complaint, the Court finds it appropriate, pursuant to its February 23, 2006 Order to terminate the case. The Court again notes that this ruling is without prejudice to Sheikh filing an amended complaint under the APA. Upon the filing of an complaint, the Court will direct that the matter be reopened and shall set the matter down for a case management conference.

Accordingly, the Clerk is hereby directed to close the file.

IT IS SO ORDERED.

Dated: February 23, 2007



JEFFREY S. WHITE
UNITED STATES DISTRICT JUDGE